

**CALIFORNIA ENERGY COMMISSION**

1516 Ninth Street  
Sacramento, California 95814

Main website: [www.energy.ca.gov](http://www.energy.ca.gov)



In the matter of:	)	
	)	
Implementation of Renewables	)	Docket No. 03-RPS-1078
Portfolio Standard Legislation	)	
	)	Docket No. 02-REN-1038
and	)	
	)	
Implementation of Renewables	)	
Investment Plan Legislation	)	NOTICE OF BUSINESS MEETING

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**Notice to Consider Adoption of the  
*Final Committee Draft Renewables Portfolio Standard  
 Eligibility Guidebook* and the *Final Committee Draft  
 Overall Program Guidebook for the Renewable Energy  
 Program***

The California Energy Commission will hold a Business Meeting on:

**DECEMBER 15, 2010**

Beginning at 9 a.m.  
 CALIFORNIA ENERGY COMMISSION  
 1516 Ninth Street  
 First Floor, Hearing Room A  
 Sacramento, California  
 (Wheelchair Accessible)

This item was originally scheduled for the December 1, 2010, Business Meeting, but was postponed in order to address comments submitted by interested parties. As part of the December 15, 2010, Business Meeting, the Energy Commission will consider adopting revisions to the *Final Committee Draft Renewables Portfolio Standard Eligibility Guidebook (RPS Guidebook)* and the *Final Committee Draft Overall Program Guidebook for the Renewable Energy Program (Overall Program Guidebook)*. For additional details please refer to the original notice to consider adoption of these guidebooks released on November 19, 2010, and available on the Energy Commission's Web site at

[\[http://www.energy.ca.gov/portfolio/notices/index.html\]](http://www.energy.ca.gov/portfolio/notices/index.html)

Details on how to participate in the Business Meeting will be available in the Energy Commission's December 15 Business Meeting Agenda located on-line at

[\[www.energy.ca.gov/business\\_meetings/index.html\]](http://www.energy.ca.gov/business_meetings/index.html).

## **Process**

On August 20, 2010, the Energy Commission released staff drafts of proposed changes to the *Final Committee Draft RPS Eligibility Guidebook* and the *Final Committee Draft Overall Program Guidebook*. On August 30, 2010, Energy Commission staff held a public workshop to present staff's proposed changes to these guidebooks. Many entities provided public comments during and following the workshop. Summaries of initial proposed changes to the staff draft guidebooks are provided in Attachment A to the original notice for the December 1, 2010, Business Meeting (non-substantive and minor clarifying changes are not included in Attachment A).

On November 19, 2010, the Energy Commission released Committee drafts of proposed changes to these guidebooks, and several parties subsequently submitted comments. Staff carefully considered these additional comments when preparing the Final Committee Draft guidebooks. The Final Committee Draft guidebooks reflect additional proposed changes to address the comments that were submitted in response to the November 19, 2010 draft guidebooks. Summaries of the additional proposed changes to the guidebooks are provided in Attachment A-1 to this notice.

Public comments are available on the Energy Commission's website at:

[www.energy.ca.gov/portfolio/documents/index.html#083010](http://www.energy.ca.gov/portfolio/documents/index.html#083010)

The final Committee draft guidebooks, with all proposed changes shown in underline/strikeout format, are available on the Energy Commission's Web site at:

[www.energy.ca.gov/portfolio/documents/index.html](http://www.energy.ca.gov/portfolio/documents/index.html)

## **Written Comments**

Please send or deliver written materials, if any, prior to the Business Meeting to:

California Energy Commission  
Dockets Office, MS-4  
**Re: Docket No. 03-RPS-1078**  
**and**  
**Docket No. 02-REN-1038**  
RPS Proceeding  
1516 Ninth Street  
Sacramento, CA 95814-5512

The Energy Commission encourages comments by e-mail. Please include your name or organization's name in the name of the file. Those submitting comments by electronic mail should provide them in either Microsoft Word format or as a Portable Document (PDF) to [docket@energy.state.ca.us]. **One paper copy** must also be sent to the Energy Commission's Docket Unit.

All written materials relating to this proceeding will be filed with the Dockets Unit and become part of the public record. Parties are encouraged to file written comments by 5 p.m. on December 8, 2010.

## Public Participation

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission activities. If you want information on how to participate in this forum, please contact the Public Adviser's Office at (916) 654-4489 or toll free at (800) 822-6228, by FAX at (916) 654-4493, or by e-mail at [ [PublicAdviser@energy.state.ca.us](mailto:PublicAdviser@energy.state.ca.us) ]. If you have a disability and require assistance to participate, please contact Lou Quiroz at (916) 654-5146 at least five days in advance.

Please direct all news media inquiries to the Media and Public Communications Office at (916) 654-4989, or by e-mail at [ [mediaoffice@energy.state.ca.us](mailto:mediaoffice@energy.state.ca.us) ]. For technical questions on the subject matter, please contact Kate Zocchetti, RPS Unit Supervisor, at (916) 653-4710 or by e-mail at [ [kzocchet@energy.state.ca.us](mailto:kzocchet@energy.state.ca.us) ].

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JAMES D. BOYD  
Vice Chair and Presiding Member  
Renewables Committee

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ROBERT WEISENMILLER  
Commissioner and Associate Member  
Renewables Committee

Date: December 3, 2010

Electronic Mail List: renewable  
Attachment: Attachment A-1

## **Attachment A-1: Summary of Additional Revisions to the *Final Committee Draft Renewables Portfolio Standard Eligibility Guidebook* and *Final Committee Draft Overall Program Guidebook for the Renewable Energy Program***

The following summarizes the additional proposed changes to the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook for the Renewable Energy Program* (conforming and other non-substantive changes are not included here). These additional proposed changes are shown below in gray highlight to make it easier to identify the changes relative to the language proposed in the November 19, 2010 draft guidebooks. To review the proposed changes in their entirety and in context, please review the Final Committee Draft guidebooks on the Energy Commission's website at

[www.energy.ca.gov/portfolio/documents/index.html](http://www.energy.ca.gov/portfolio/documents/index.html).

### **I. Renewables Portfolio Standard Eligibility Guidebook**

#### *Section I. B.2. Customer Side Renewable Distributed Generation*

- Clarifies that facilities that participated in an SB 32 tariff and have received ratepayer-funded rebates may now be RPS eligible if they meet certain other conditions. Proposed changes on page 7 follow:

Facilities that participated in a SB 32 tariff and have received ratepayer-funded incentives may now be RPS eligible if it has been demonstrated to the CPUC, or applicable authority, that the facility has provided sufficient benefit to the ratepayers or has repaid the funds it has received, and it enters into a new tariff or standard contract after exiting its net-metering tariff, if applicable.

#### *Section II. B. 2 Biogas*

- Clarifies biogas delivery requirement and revises attestation to indicate that no party has sold, traded, given away, claimed, or otherwise disposed of any of the attributes in the biogas that would prevent the resulting electricity from being compliant with RPS eligibility requirements. Proposed changes on pages 19-20 follow:

As part of the RPS eligibility requirements no party may sell, trade, give away, claim, or otherwise dispose of any of the attributes that would prevent the resulting electricity from being compliant with the definition of "green attributes" as defined in the *Overall Program Guidebook for the Renewable Energy Program*. For biogas that is delivered from the production facility to the electric generating facility applying for certification, these necessary attributes must be conveyed along with the biogas and uniquely sold for the purpose of use at the electricity generating facility such that RECs generated would be eligible to meet the RPS.

*Section II. B. 6 Municipal Solid Waste*

- Corrects reference to the Health and Safety Code. Proposed changes on page 30 follow:

b. The technology produces no discharges of air contaminants or emissions, including greenhouse gases as defined in Section ~~42801.438505~~ of the Health and Safety Code.

*Section II. E. Eligibility of Tradable Renewable Energy Credits and Appendix A. WREGIS Instructions*

- Revises the requirement that a multi-jurisdictional utility must automatically retire renewable energy credits (RECs) that it procures from a facility described under Public Utilities Code Section 399.16(a)(5) and (6) if the facility serves California and any other state. Proposed addition of footnote #72 on page 44 as follows:

Multi-jurisdictional utilities with procurement from facilities under contracts that fall under Public Utilities Code 399.16(a)(5) or (6) that is claimed for both California and another jurisdiction are not required to automatically retire the RECs procured under those contracts, but must retire the RECs allocated to California from these facilities for purposes of California's RPS as soon as possible.

- Proposed changes on page 6 in Appendix A: WREGIS Instructions follow:

For MJUs, certain facilities may use a "system resource" allocation approach, which has been defined under a multi-state protocol to determine how the costs, revenues, and generation associated with facilities are allocated to each state the MJU serves. This means that for many MJU facilities a certain percentage of procurement is allocated to each of the states, representing a state's share of the resource from the MJU's "total system resource" level (all of the MJU's resources from every state it serves). Because the portion of that facility's output that will serve California's load may not be known at the time the REC is created, RECs from these system resource facilities do not need to be automatically retired; however, the RECs allocated for California's RPS must be retired in the MJU's retirement sub-account as soon as possible.

*Section III. C. 2. Instructions for Additional Required Information for Municipal Solid Waste Conversion Facilities*

- Provides an alternative submission requirement in place of the Solid Waste Facilities Permit Application for pre-certification applications. Proposed changes on page 58 follow:

To become pre-certified as RPS-eligible, the applicant must submit to the Energy Commission ~~the information required to receive a Conversion Technology Facility Permit~~ copies of its Solid Waste Facilities Permit Application, as submitted to the Enforcement Agency (EA) or a letter from CalRecycle stating that the facility, if built and operated as proposed, is using a “gasification” conversion technology, as defined in Public Resources Code Section 40117.

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*Section III. C. 3. Instructions for Additional Required Information for Out of State Facilities*

- Clarifies that although an applicant for an out of state facility must submit a written explanation substantiating the claim that the project does not violate California laws, ordinances, regulations or standards (LORS), an applicant may submit a simple explanation documenting how the project’s development and operation do not contribute to a violation of a California LORS for projects that are beyond the Environmental Area Thresholds as set forth in this section. Proposed changes on page 60 follow:

At a minimum, the LORS described shall address the following environmental areas consistent with Appendix B, Section (g), of the Energy Commission’s regulations for power plant certification, Title 20, California Code of Regulations, Sections 1701, et seq, to the extent that application of the Environmental Area Thresholds for Out-of-State Facilities set forth in Table 2 shows that the project has the potential to impact resources within California:

*Section IV. A. 2. RPS Procurement Verification Reports and Appendix A. WREGIS Instructions*

- Provides instructions for submitting NERC e-Tag Summary Reports to the Energy Commission for procurement from out of state facilities. Proposed changes on page 77 follow:

See Appendix A for instructions on how to submit State/Provincial/Voluntary Compliance Reports and NERC e-Tag Summary Reports Using WREGIS from WREGIS to the Energy Commission.

Proposed changes in Appendix A on page A-3 follow:

- Instructions for Filing a NERC e-Tag Summary Report Using WREGIS

Proposed changes in Appendix A on page A-9 follow:

8. The NERC e-Tags available in your account may be viewed in the “NERC e-Tag Summary Report” under “Account Holder Reports.” If you have requested the service but do not see any tags in your account, please check

with your schedulers to ensure that the tagging guidelines have been followed. Please confirm that your NERC e-Tags are in your account before filing your State/Provincial/Voluntary Compliance Report.

9. Please contact with your scheduler to ensure that all information is entered correctly on your NREC e-Tags. If you have any questions, contact the WREGIS staff at: [wregisadmin@wecc.biz](mailto:wregisadmin@wecc.biz) or 888-225-4213.

10. On an as requested basis you may be required to submit to the Energy Commission your "NERC e-Tag Summary Report" along with your State/Provincial/Voluntary Compliance Report. Please see the following instructions on Filing a State/Provincial/Voluntary Compliance Report and a NERC e-Tag Summary Report below for more detailed instructions on how to submit your NERC e-Tag Summary Report. Please confirm that your NERC e-Tags are in your account before filing your State/Provincial/Voluntary Compliance Report.

Proposed changes in Appendix A on page A-9 follow:


**Instructions for Filing a State/Provincial/Voluntary Compliance Report Using WREGIS:**

State/Provincial/Voluntary Compliance Reports are due to the Energy Commission June 1 following the compliance year. For example, RPS compliance year 2010 shall be filed June 1, 2011. Please confirm that your NERC e-Tags are in your account before filing your State/Provincial/Voluntary Compliance Report.

Proposed changes in Appendix A on pages A-10 through A-11 follow:

### **Instructions for Filing a NERC e-Tag Summary Report Using WREGIS:**

On an as requested basis you may be required to submit to the Energy Commission your "NERC e-Tag Summary Report" along with your State/Provincial/Voluntary Compliance Report. Please confirm that your NERC e-Tags are in your account before filing your State/Provincial/Voluntary Compliance Report.

1. Go to <https://portal1.wregis.org/> and log in to your account.
2. Select the "NERC e-Tag Summary Report" from the "Account Holder Reports" module on the left side of your screen.
3. Double-check your report to ensure that all information is correct and complete.
4. Click the icon  on the upper far right of your NERC e-Tag Summary Report to "Export." This will open a pop-up screen titled "Report Export Request."
5. You will export this report twice, once in hard copy form and once in email form.
  - a. Hard Copy form: Select "Hard Copy Mail" at the top of the pop-up window and ".PDF" at the bottom under "Report Format." Enter the following contact information:

CA RPS Program  
1516 9<sup>th</sup> St., MS-45  
Sacramento, CA 95814

Select "Request" to submit.

- b. Email form: Select "Email" at the top of the pop-up window and ".CSV" at the bottom under "Report Format." Enter the following contact information:

[RPSTrack@energy.state.ca.us](mailto:RPSTrack@energy.state.ca.us)

Select "Request" to submit.

#### *Section IV. B. RPS Procurement Verification Reports and Appendix A. WREGIS Instructions*

- Clarifies that as part of the Energy Commission's RPS procurement verification process, multi-jurisdictional utilities that have retired RECs in another retirement system (for example, NVTREC) may be asked to submit compliance reports from



that system to assist staff in verifying against double counting. Proposed changes on page 81 follow:

In the case of a multi-jurisdictional utility that has retired RECs in a tracking system other than WREGIS (such as NVTREC), the utility may be required to provide a compliance report to the Energy Commission from such a system to assist staff in verifying against double-counting.

- Proposed changes to pages A-9 through A-10 in Appendix A: WREGIS Instructions follow:

~~In the case of multi-jurisdictional utilities, if you have retired WREGIS Certificates for single year RPS compliance in more than one retirement subaccount, you must create and submit one State/Provincial/Voluntary Compliance Report for each of these subaccounts, for example CA RPS and NVTREC.~~

*Appendix B. Forms.* Conforming changes have been incorporated into the forms to address the changes made above.

## **II. Overall Program Guidebook**

### *Section VI: Disputes of Funding Award Payments*

- Retains the Energy Commission's current payment dispute process as is, including appeals to the Energy Commission. Proposed changes on page 16 follow:

Should the awardee disagree with the Executive Director's determination, the awardee may appeal the determination to the Energy Commission under Subsection C 3 of this section.

#### **C. Commission Appeal**

Within 15 days of receiving the Executive Director's written determination, the awardee shall file a letter of appeal stating why the Executive Director's written decision is unacceptable. The letter of appeal shall be sent to the Energy Commission's Public Adviser, along with a copy of the original dispute claim, supporting documents, and the Accounting Office and Executive Director decisions. The letter shall be sent to the following address:

California Energy Commission  
Public Adviser's Office  
1516 9th Street, MS-12  
Sacramento, CA 95814-5512

Within 30 days of receiving the written appeal, the Public Adviser shall arrange for the appeal to be presented to the Energy Commission at a regularly scheduled business meeting. The Public Adviser shall inform the awardee in writing of the business meeting date and the procedures for participating in the business meeting. The awardee shall be responsible for presenting the appeal to the Energy Commission during the business meeting. Unless otherwise decided during the course of the business meeting, the Energy Commission shall determine the awardee's appeal during the business meeting.

#### *Section VIII: Arbitration*

- Makes conforming changes to retain the Energy Commission's current payment dispute process as is, including appeals to the Energy Commission. Proposed changes on page 18 follow:

If an awardee's dispute of funding award payment is not resolved to the satisfaction of the awardee through the ~~Commission~~ appeal process specified in Section VI, Chapter VI of these Guidelines, the awardee and the ~~Commission~~ Energy Commission may mutually agree to have the dispute resolved through binding arbitration. The arbitration proceeding shall take place in Sacramento County, California, and shall be governed by the commercial arbitration rules of the American Arbitration Association (AAA) in effect on the date the arbitration is initiated. One arbitrator who is an expert in the particular field of the dispute shall resolve the dispute. The arbitrator shall be selected in accordance with the aforementioned commercial arbitration rules. The decision rendered by the arbitrator shall be final, and judgment may be entered upon it in accordance with the applicable law in any court having jurisdiction thereof. The demand for arbitration shall be made no later than six months after the date the ~~Commission~~ Energy Commission renders a decision through the appeal process specified in ~~Section Chapter VI~~, irrespective of when the dispute arose, and irrespective of the applicable statute of limitations for a suit based on the dispute. If the awardee and the ~~Commission~~ Energy Commission do not mutually agree to arbitration, the sole forum to resolve the dispute is State court.

The cost of arbitration shall be borne by the awardee and ~~Commission~~ Energy Commission as follows:

#### *Glossary of Terms*

- Clarifies the definition of "digester gas" to include biosolids. Proposed changes on page 21:

Digester gas — gas from the anaerobic digestion of organic wastes, including, but not limited to animal wastes, remains, and tallow, and biosolids.